

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DARLENE HENTON,

Plaintiff

v.

ALBUQUERQUE HOUSING AUTHORITY  
and VICENTE QUEVEDO, in his individual  
and representative capacity,

Defendants

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. CIV 13-133 JP/KBM

**ORDER GRANTING PRELIMINARY INJUNCTION**

This matter came before the Court on the motion of plaintiff Darlene Henton for a Preliminary Injunction and a Temporary Restraining Order. Having considered the motion and having held a hearing on February 27, 2013 and March 4, 2013, the Court hereby FINDS and CONCLUDES as follows:

1. Ms. Henton and her daughter will be evicted and rendered homeless before the conclusion of this case if a preliminary injunction is not granted.
2. The eviction of Ms. Henton and her daughter and the prospect of their being rendered homeless constitute irreparable harm.
3. This harm would outweigh injury to the defendants, namely, disruption to the administration of defendant AHA.
4. Issuing the preliminary injunction is not adverse to the public interest, because it is in the public interest that Ms. Henton and her daughter not be homeless.
5. It is likely that Ms. Henton will prevail on the merits of her claim once the evidence in this case is concluded.

6. This Court finds, based on the conflicting testimony of the parties, that Ms. Henton did not receive either the August 8, 2012 letter from Ramona Baca, which was marked as Plaintiff's Exhibit 6, or the June 14, 2012 letter from Ramona Baca, which was marked as Plaintiff's Exhibit 5. Consequently, Ms. Henton was not timely notified of the recertification meetings noted in those letters, nor was she timely notified of her right to request an informal hearing to dispute termination of her section 8 voucher.
7. Under Federal Rule of Civil Procedure 65(c), this Court has discretion to waive posting of bond or other security. Because it is undisputed that Ms. Henton is indigent, good cause exists for waiving posting of bond or security.

IT IS THEREFORE ORDERED as follows:

1. The motion for preliminary injunction is GRANTED.
2. The defendants are preliminarily enjoined to conduct a recertification examination of Ms. Henton's eligibility for continued participation in the section 8 program. The examination shall take place 9:30 AM March 15, 2013 in defendants' offices.
3. The recertification examination shall have a retroactive effect, relating back to the time of the last scheduled appointment, which was August 16, 2012.
4. Posting of bond or other security is waived.

A handwritten signature in black ink, reading "James A. Parker". The signature is written in a cursive, flowing style with a large, prominent "P" at the end.

JAMES A. PARKER  
SENIOR UNITED STATES DISTRICT JUDGE

Prepared and submitted by:

New Mexico Legal Aid, Inc.

/s/ Thomas Prettyman  
By: Thomas Prettyman  
Attorneys for Plaintiff  
P.O. Box 25486  
Albuquerque, NM 87125  
505-243-7871  
[thomasp@nmlegalaid.org](mailto:thomasp@nmlegalaid.org)

Approved as to form:

City of Albuquerque  
David Tourek  
City Attorney  
/s/ Brian A. Eagan  
By: Brian A. Eagan  
Assistant City Attorney  
Attorney for Defendants  
P.O. Box 2248  
Albuquerque, New Mexico 87103  
(505) 768-4500 Voice  
(505) 768-4525 FAX  
[beagan@cabq.gov](mailto:beagan@cabq.gov)